

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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FREDERICK O SILVER,

Plaintiff,

v.

STEVEN B. WOLFSON, et al.,

Defendants.

Case No. 2:18-cv-01106-JAD-CWH

REPORT AND RECOMMENDATION

Presently before the court is plaintiff's motion for inquiry (ECF No. 18), filed on April 1, 2019. Plaintiff moves for the status of his *in forma pauperis* application, the court's screening order, and his motion for permission for electronic case filing.¹ The court will grant plaintiff's request for the status of this case, but the court will recommend that the case be dismissed for the following reasons.

Plaintiff is advised that on January 16, 2019, the court denied plaintiff's application to proceed *in forma pauperis* and ordered plaintiff to submit a new application or pay the \$400.00 filing fee within 30 days. (Order (ECF No. 14).) Given that the court denied plaintiff's application to proceed *in forma pauperis*, the court did not screen the complaint. (*Id.*) Further, the court denied plaintiff's request for electronic case filing and advised plaintiff that failure to comply with the court's order would result in a recommendation that this case be dismissed. (*Id.*) Plaintiff then filed a demand for trial by jury (ECF No. 15), a motion for non-consent (ECF No. 16), a notice of proper person (ECF No. 17), and this motion for inquiry (ECF No. 18). To date,

¹ Plaintiff also argues that as a non-prisoner complainant the court is not required to screen his complaint. Plaintiff is advised that upon granting a request to proceed *in forma pauperis*, a court must screen the complaint under 28 U.S.C. § 1915(e)(2).

1 plaintiff has not paid the \$400.00 filing or filed a new *in forma pauperis* application, and the
2 deadline to do so has passed. Therefore, the court recommends that this case be dismissed.

3 IT IS THEREFORE Ordered that plaintiff's motion for inquiry on case status (ECF No.
4 18) is GRANTED.

5 IT IS THEREFORE RECOMMENDED that this case be DISMISSED without prejudice.

6 **NOTICE**

7 This report and recommendation is submitted to the United States district judge assigned
8 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation
9 may file a written objection supported by points and authorities within fourteen days of being
10 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely
11 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d
12 1153, 1157 (9th Cir. 1991).

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14 DATED: April 4, 2019

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17 C.W. HOFFMAN, JR.
18 UNITED STATES MAGISTRATE JUDGE
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